

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE  
TOPS HOLDING II CORPORATION, *et al.*,  
  
Debtors.

ALAN D. HALPERIN, AS THE LITIGATION  
TRUSTEE FOR THE TOPS HOLDING  
LITIGATION TRUST,

Plaintiff.

-against-

MORGAN STANLEY INVESTMENT  
MANAGEMENT INC.; MORGAN STANLEY  
CAPITAL PARTNERS V U.S. HOLDCO LLC  
a/k/a NORTH HAVEN CAPITAL PARTNERS V  
U.S. HOLDCO LLC; HSBC EQUITY PARTNERS  
USA, L.P.; HSBC PRIVATE EQUITY PARTNERS  
II USA L.P.; TURBIC INC; BEGAIN COMPANY  
LIMITED; GARY MATTHEWS; ERIC KANTER;  
ERIC FRY; GREG JOSEFOWICZ; and STACEY  
RAUCH,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 1/11/2023

No. 22-Civ-9500 (NSR)

ORDER


NELSON S. ROMÁN, United States District Judge:

For the reasons given in this Court's January 6, 2023 Opinion, Appellant Morgan Stanley Capital Partners V U.S. Holdco LLC's motion for leave to appeal is DENIED. See Opinion & Order, No. 22-Civ-9450 (NSR), ECF No. 10, for full analysis.

The Clerk of Court is respectfully directed to terminate the motion at No. 22-Civ-9500, ECF No. 3, and close the case.

Dated: January 11, 2023  
White Plains, NY

SO ORDERED:

  
HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE